IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.789 OF 2006

In

INTERIM APPLICATION DT. 08.04.2006

In

SPECIAL CIVIL SUIT NO.208 OF 2005

Karamjit Niranjansingh Bhamra & Ors. : Appellants
(Orig.Defendants)

V/s.

Mr.Mohammed Raees Jaish Mohammed Chaudhari : Respondent
(Orig.Plaintiff)

...

Ms R.C.Nichani for the appellants.

Ms P.U.Badadare for the respondent.

...

CORAM : S.A.BOBDE, J.

DATE : JULY 4, 2007.

P.C.

Heard.

2. This is an appeal from order of the trial Court restraining the appellants from disposing of, transferring, alienating or handing over the possession of

the suit properties to any third-party till the disposal of Special Civil Suit no.208 of 2005. The appellants have been sued by the respondent for specific performance of an oral contract in which the respondent sought the aforesaid injunction which the Court has granted.

3. After hearing the matter for sometime, it appears that the main grievance of the learned counsel for the appellants was that the respondent has not even been put to terms in that he has not even been asked to deposit the alleged consideration. According to the learned counsel for the respondent, the alleged consideration is in the sum of Rs.1,08,80,000/- out of which Rs.2 lakhs is stated to have been paid over to the appellants which is denied. Having regard to the circumstances of the case, I am of view that it would meet the ends of justice if the injunction is allowed to continue upon the respondent depositing a sum of Rs.1,06,80,000/- in the trial Court within a period of two weeks from today. It is directed that if the respondent does not deposit the aforesaid amount, the injunction shall stand vacated. The suit is directed to be disposed of within a period of six months from the next date. Order accordingly.

4. The appeal stands disposed of.

5. In view of the disposal of the appeal, Civil Application no.1079 of 2006 does not survive and the same stands disposed of.

6. Certified copy expedited.

S.A. BOBDE, J.